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10 Attorneys for Plaintiff JENS ERIK SORENSEN,
as Trustee of SORENSEN RESEARCH AND
DEVELOPMENT TRUST

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13 UNITED STATES DISTRICT COURT
14 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

15 JENS ERIK SORENSEN, as Trustee of) Case No. 3:08 CV 0070 BTM CAB
16 SORENSEN RESEARCH AND)
17 DEVELOPMENT TRUST,) ORDER REGARDING PLAINTIFFS
18 Plaintiff) MOTION FOR EXCEPTION TO STAY
19 v.)
20 RYOBI TECHNOLOGIES, INC., a)
21 Delaware corporation; TECHTRONIC)
22 INDUSTRIES NORTH AMERICA,)
23 INC., a Delaware corporation; and DOES)
24 1-100,)
Defendants.)
25)
26)
27)
28 _____)

1 Plaintiff JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH
2 AND DEVELOPMENT TRUST (Plaintiff) has moved this Court at Docket # 22 for
3 an exception to the stay of proceedings in this case for the purposes of limited
4 discovery.

5 The Court, having considered briefing by the parties and oral arguments on
6 August 20, 2008, **grants in part** and **denies in part** Plaintiff's motion for exception
7 to the stay as set forth below.

8 1. All prototype and production molds used in the production of the
9 accused products within the custody and control of the Defendant(s) are to be
10 preserved.

11 2. All design and technical documents for the accused product within the
12 control and custody of the Defendant(s) are to be preserved.

13 3. Plaintiff is granted leave to propound one (1) interrogatory on the
14 Defendant(s) that asks for the identification of the company names and addresses of
15 nonparty manufacturers, suppliers, and importers who have prototype, production,
16 design, technical documents or evidence regarding the accused products.

17 4. Plaintiff is granted leave to file an Amended Complaint adding accused
18 products within 30 days of this Order. Defendant must respond to said the Amended
19 Complaint within 45 days after the stay is lifted.

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The Court denies without prejudice Plaintiff's request for leave of court to use appropriate procedural discovery steps to acquire prototype, production, design, technical documents or evidence regarding the accused products from nonparties at this time; any subsequent requests will be reviewed on a case-by-case basis.

IT IS SO ORDERED.

DATED this 2nd day of September, 2008.

Barry Ted Moskowitz
Honorable Barry Ted Moskowitz
United States District Judge